

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**RONALD MOSES,**

**Plaintiff,**

**vs.**

**Case No.: 2:15-cv-2853  
JUDGE SMITH  
Magistrate Judge Deavers**

**EXTENDICARE HEALTH SERVICES,  
INC., et al.,**

**Defendants.**

**ORDER**

On January 13, 2016, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the Court dismiss Defendant Prostep, Inc., LLC as a Defendant in this action without prejudice pursuant to Federal Rule of Civil Procedure 4(m) for failure to timely effect service of process. (*See Report and Recommendation*, Doc. 21). On December 22, 2015, the Court ordered Plaintiff to effect service upon Defendant Prostep, Inc., LLC within fourteen days or to alternatively show cause why the Court should not dismiss this action pursuant to Rule 4(m). (Doc. 18). To date, Plaintiff has not effected service upon Defendant Prostep, nor has Plaintiff responded to the Court's Show Cause Order.

The parties were specifically advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

Accordingly, the *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**.

Defendant Prostep, Inc., LLC is hereby dismissed as a Defendant in this action without prejudice pursuant to Federal Rule of Civil Procedure 4(m) for failure to timely effect service of process.

The Clerk shall remove Document 21 from the Court's pending motions list.

**IT IS SO ORDERED.**

*/s/ George C. Smith*  
**GEORGE C. SMITH, JUDGE**  
**UNITED STATES DISTRICT COURT**